

REMARKS

Claims 17-19, 27, and 45-47 are pending in the application. The independent claims stand rejected under §102(e) and/or §103 as being unpatentable over Lambrecht et al. (2002/151979). For the reasons set forth below, favorable reconsideration of the application is respectfully requested.

1. December 5, 2007 Interview and December 10, 2007 Interview Summary.

On December 5, 2007, applicant's attorney Thomas conducted a telephonic interview with Examiner Pellegrino to discuss the patentability of independent claim 27 in view of the cited Lambrecht reference. Applicant's attorney Thomas thanks Examiner Pellegrino for his time and for the helpful discussion that occurred. Based on the discussion and the information contained in the Interview Summary dated December 10, 2007, applicant's attorney Thomas was under the impression that adding the limitation which indicates that the implant has a multiple number of folds in its second configuration would overcome the rejection of record. Thomas also understood that Examiner Pellegrino felt that Thomas' proposed addition of functional language to Claim 42 would not overcome the rejection of record.

2. The Present Amendment.

The present amendment to claim 27 adds only the limitation that the implant is folded with a multiplicity of folds. This limitation was present in original Claim 45 which was dependent on Claim 42, and thus the limitation was previously before the Examiner. As such, adding this limitation to Claim 27 results in no new matter being added.

Original Claim 45 is being amended to change the dependency from Claim 42 to Claim 27 and that the claim is for the method instead of the implant. Original Claims 46 and 47 are being amended to change from the implant to the method. No new matter is being added and these limitations were previously before the Examiner.

3. The Advisory Action.

The Advisory Action dated January 2, 2008 states that applicant's prior proposed amendment was not entered because it raised new issues that would require further consideration and/or search. It is respectfully submitted that no new issues are raised by the present amendment, and that no further consideration is required.

4. Conclusion.

Applicant believes that the pending claims have been fully considered by the Office and are patentable over the art of record in the case. Allowance of the application is therefore respectfully requested.

Respectfully submitted,

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